

Sentence Review Division
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-18-328
)	
Plaintiff,)	Missoula County District Court
)	
)	Montana Fourth Judicial District
-vs-)	
)	DECISION
HALEY REBECCA MCCORMACK,)	
Defendant.)	

On April 18, 2019, the Defendant was sentenced to the Department of Corrections for three (3) years, with one (1) year suspended, for the offense of Count I: Theft of Identity. Count II: Theft was dismissed at the time of sentencing. The Court recommended the Defendant be placed at Passages followed by Pre-release. The Defendant was ordered to pay restitution in the amount of \$1700 to Angel Torres. She received credit for time served of 119 days.

On October 4, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video conferencing from the Missoula PreRelease program and was represented by David Maldonado of Maldonado Law, PLLC, Missoula, MT. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that she understood this and stated that she wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

Done in open Court this 4th day of October, 2019.

DATED this 23rd day of October, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



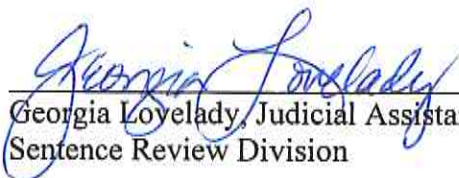
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 4th day
of November, 2019, to:

Clerk of District Court (Original)
Haley Rebecca McCormack #3025371, Defendant (2)
Hon. Gregory Pinski
David Maldonado, 210 N. Higgins Ave., Ste. 226, Missoula, MT 59802
James D. McCubbin, Jr., Esq.
Board of Pardons and Parole
MWP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division